

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Stanley W. Olson Jr., et al

Serial No.: Not Yet Assigned; a continuation
application of co-pending application S.N.
10/183,220, filed June 26, 2002

Filed: Herewith

For: RETROGRADE PLUNGER
DELIVERY SYSTEM

)
)
) **Group Art Unit:** 3731 (Parent Appl)

)
) **Examiner:** David Reip (Parent Appl)

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached form PTO/SB/08A (08-00). Copies are not enclosed since each item was submitted or cited in a parent application (Serial No. 10/183,220).

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

INFORMATION DISCLOSURE STATEMENT FILING PROVISION:

☒ This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d) or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.

☐ This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.

☐ The fee due under 37 CFR § 1.17(p) is submitted herewith.

☐ A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.

☐ This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

STATEMENT UNDER 37 CFR § 1.97(e):

☐ Each item contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.

☐ No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.

PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:

- ☐ A check in the amount of _____ is enclosed for the above fee(s).
- ☐ Please charge _____ to Deposit Account No. **50-2518** for the above fee(s).

The Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to Bingham McCutchen's Deposit Account No. **50-2518**.

Respectfully submitted,
BINGHAM McCUTCHEN LLP

Dated: Feb 24, 2004

By: David T. Burse
David T. Burse
Reg. No. 37,104

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PTO/SB/08A (08-00)

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>			Complete if Known	
	Application Number	Not-Yet-Assigned		
	Filing Date	Herewith		
	First Named Inventor	Stanley W. Olson Jr., et al		
	Group Art Unit	3731 (Parent Appl)		
	Examiner Name	David Reip (Parent Appl)		
	Attorney Docket Number	30-7012713001 (02-125 US02)		
Sheet	1	of	2	

U.S. PATENT DOCUMENTS						
Examiner Initials *	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	1.	4,725,264		Glassman	02-16-1988	
	2.	4,790,819		Li et al	12-1988	
	3.	4,808,158		Kreuzer et al	02-28-1989	
	4.	4,936,835		Haaga	06-26-1990	
	5.	5,129,889		Hahn et al	07-1992	
	6.	5,360,414		Yarger	11-1994	
	7.	5,741,265		Chan	04-1998	
	8.	5,843,098		Allen et al	12-1998	
	9.	6,050,986		Hektner	04-2000	
	10.	6,214,012		Karpman et al	04-10-2001	
	11.	6,224,603		Marino	05-01-2001	
	12.	6,241,734		Scribner et al	06-05-2001	
	13.	6,251,119		Addis	06-2001	
	14.	6,395,007		Bhatnagar et al	05-28-2002	
	15.	6,402,784		Wardlaw	06-11-2002	

FOREIGN PATENT DOCUMENTS								
Examiner Initials *	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ₆
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
	16.	WO	02/43628	A1	Sabitzer et al	06-06-2002		
	17.	EP	0 406 901	A1	Advanced Cardiovascular Systems, Inc.	01-09-1991		

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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		Group Art Unit	3731 (Parent Appl)
		Examiner Name	David Reip (Parent Appl)
Sheet 2 of 2	Attorney Docket Number	30-7012713001 (02-125 US02)	

OTHER DOCUMENTS -- NON PATENT LITERATURE			
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	18.	BHATNAGAR, et al.; US Patent Publication No. 2002/0049449 A1; entitle "Apparatus and Method for Fixation of Osteoporotic Bone"; Pub. date Apr. 25, 2002	
	19.	KUSLICH, Stephen D.; US Patent Publication No. 2002/0068974 A1; entitle "Expandable Porous Mesh Bag Device and Method of Use for Reduction, Filling, Fixation and Supproting of Bone"; Pub. date Jun. 6, 2002	
	20.	MARGULIES, Joseph Y.; US Patent Publication No. 2003/0045885 A1; entitle "Method and Apparatus for Augmentation of the Femoral Neck"; Pub. date Mar 6, 2002	

Examiner Signature	Date Considered
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¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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